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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,046	11/08/2001	Anthony Edward Martinez	AUS920011002US1	2351

7590 01/26/2005  
Robert V. Wilder  
Attorney at Law  
4235 Kingsburg Drive  
Round Rock, TX 78681

EXAMINER

LIM, KRISNA

ART UNIT PAPER NUMBER

2153

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application N .</b> 10/007,046	<b>Applicant(s)</b> MARTINEZ ET AL.	
	<b>Examiner</b> Krisna Lim	<b>Art Unit</b> 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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1. Claims 1-19 are presented for examination.

2. The disclosure is objected to because of the following informalities:

(a) On page 1, the text of the first paragraph should be updated with the current status of the cited applications such as U.S. Patent Application Serial No., a filing date, U.S. Patent No., and the issued date. Appropriate correction is required.

3. Claims 1-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what is differences between means for enabling a user to a first input and means for enabling said user to select a second input since both of them are enable the user to selected one input (either the first input or the second input).

Therefore, it should have only one selection means instead of two means in order for the user to select one input along a plurality of inputs. Moreover, it is unclear what is differences between a selection means and a switching means since both of them are enable the user to selected one input (either the first input or the second input).

Therefore, it should have only one selection means instead of two means in order for the user to select one input along a plurality of inputs.

4. It is requested that a future correspondence from applicants have line numbering for the recitation of claims, if possible, as this will aid in the future correspondence from the examiner.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cho et al. [U.S. Patent No. 6,654,826].

Cho et al. disclose (e.g., see Figs. 1-2) the invention substantially as claimed. Taking claims 1, 9-10, 18 and 19 as exemplary claims, the reference discloses a method for managing content displayed on an information management unit (the portable computer 30, col. 3, line 27), the method comprising: a) providing selection means (a docking controller 33, col. 3, lines 31-32) for enabling a user to select either a first input a second input for receipt by a portable computer, wherein said first input comprising (a first operating system, col. 3, lines 28-35) synchronized data stream being synchronized with an event being presented in a first medium (e.g., see **real time data transmission**, col. 3, line 66, to col. 4, line 9) and the second input comprising unsynchronized data stream (a second operation system, col. 3, lines 43-55).

While Cho et al. disclose the docket controller for either selecting a first operation system or a second operation system as a first input or a second input in order for the portable computer to work on and based on the detection of the real time docking state of first and second signal transmission units 40 and 60, Cho et al. do not explicitly mention that the first operation system is synchronized data stream from a server and the second operation system is unsynchronized data stream. Having synchronized data stream or unsynchronized data stream would have been a matter of choice. Thus, selecting these two inputs by the user would have been a matter of choice.

7. As to claims 2 and 11, Cho et al. disclose the IM unit (a portable computer 30 of Fig. 2) is coupled to the docking station (50 of Fig. 2), said IM unit (the portable computer) including means for displaying content (LCD 34) associated with said first and second input.

8. As to claims 3 and 12, Cho et al. disclose the display means comprises a touch-sensitive screen (touch screen 33 of fig. 2 , col. 1, line 31)

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9. As to claims 4 and 13, Cho et al. disclose the selection means (the docket controller 33 of Fig. 2, col. 3, lines 27-43) is included as part of the said IM unit.

10. As to claims 5-7 and 14-16, while Cho et al. disclose LCD 34 for displaying information and flash memory 35 for storing state of signal transmission (e.g., see col. 3, lines 28, to col. 4, line 8), Cho et al. do not explicitly mention that the display is an indicator of input selection and the information storing in the flash memory is the history of links display. It would have been obvious to one of ordinary skilled in the art to recognize that such indication of information on the display and specific information in the file would have been a matter of choice and these features are not patentably distinguishable.

11. As to claims 8 and 17, Cho et al. do not explicitly mention that their first input is synchronized with a television signal for a selected television program. It would have been obvious to one of ordinary skilled in the art to recognize that such specific synchronization of the first input with a television signal would have been a matter of choice.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

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A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

January 18, 2005



KRISNA LIM  
PRIMARY EXAMINER